

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DONALD And MARY THORNTON,

Plaintiffs,

vs.

ROLLIN VAUGHN SOWARDS; And  
PROGRESSIVE INSURANCE CO.,

Defendants.

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CASE NO.:2:06-CV-1072-MHT

**ANSWER TO COMPLAINT**

COMES NOW the Defendant named in the Complaint as Progressive Insurance Company, by and through the undersigned attorney, and for answer to the Complaint says as follows:

1. This Defendant admits paragraphs 1 -3 of the Complaint.
2. This Defendant denies paragraphs 5 - 8 of the Complaint and demands strict proof thereof.
3. This Defendant denies Count I of the Complaint, specifically paragraph 9 - 11 of the Complaint, and demands strict proof thereof.
4. This Defendant denies Count II of the Complaint, specifically paragraph 12 - 14 of the Complaint, and demands strict proof thereof.
5. This Defendant denies Count III of the Complaint, specifically paragraph 15 - 16 of the Complaint, and demands strict proof thereof.

6. This Defendant adopts in full all defenses raised by the co-defendant as if set forth in full herein.
7. This Defendant affirmatively avers set off for all liability insurance proceeds potentially available in this case, as allowed by law.
8. This Defendant affirmatively avers that any liability against this Defendant is limited and restricted by the terms and conditions of any applicable insurance policy, including monetary limitations upon recovery, as if set forth in full herein.
9. This Defendant affirmatively avers that liability against it is due to be set off by any liability insurance proceeds in this case, and furthermore liability against this Defendant is limited by the maximum monetary limitations upon recovery in the applicable insurance policy.
10. This Defendant reserves the right to opt out of this case in accord with applicable Alabama law.
11. This Defendant pleads the general issue.

/s/Alex L. Holtsford, Jr.  
ALEX L. HOLTSFORD, JR. (HOLO48)  
Attorney For Defendant Progressive Specialty  
Insurance Company

OF COUNSEL:

NIX HOLTSFORD GILLILAND

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day mailed, postage prepaid, an exact copy of the foregoing document to:

Richard E. Crum

COBB, SHEALY, CRUM, DERRICK

& PIKE, P.A.

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Dothan, Alabama 36302-6346

William B. Alverson, Jr.

ALBRITTONS, CLIFTON, ALVERSON

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This the 22nd day of December, 2006.

/s/ Alex L. Holtsford, Jr.

OF COUNSEL